

Urging New York’s Congressional Delegation To Propose And Adopt A Proposed Amendment To The United States Constitution Clarifying That Corporations Are Not People With Constitutional Rights, And That Unlimited Campaign Spending Is Not Free Speech

Referred to: The Laws, Rules and Government Services Committee (Chairman Heppner and Legislators Gavaris, Levine, Roberts, and Ronk)

Legislator Chris Hewitt and Legislators Criswell, Erner, Sperry, Uchitelle and Walter offer the following:

WHEREAS, a group of founding fathers attended meetings of the Haudenosaunee Confederacy to learn about a democratic matriarchy founded on unity, peace and representation by the people; and

WHEREAS, the United States Constitution is intended to protect the rights of individual human beings (“natural persons”); and

WHEREAS, democracy means governance of the people, by the people and for the people – and only natural persons should be able to participate in the democratic process; and

WHEREAS, corporations are not mentioned in the Constitution and the People of the United States (“the People”) have never granted constitutional rights to corporations, nor decreed that corporations have authority that exceeds the authority of the People; and

WHEREAS, corporations are not naturally endowed with consciousness or the rights of natural persons, as corporations are creations of law and are only permitted to do what is authorized under law; and

WHEREAS, the United States Supreme Court, in *Citizens United v. the Federal Election Commission* (2010), rolled back legal limits on corporate spending in the electoral process and allowed unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

WHEREAS, the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, corporations are legally required to put profits for shareholders ahead of concerns for the greatest good of society; and

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WHEREAS, corporations have used the “rights” bestowed upon them by the courts to overturn democratically enacted laws that were passed at municipal, state and federal levels to curb corporate abuse, thereby impairing local governments’ ability to protect their citizens against corporate harms to the environment, to health, to workers, to independent businesses, and to local and regional economies; and

WHEREAS, Legislators of the County of Ulster have sworn to uphold the United States Constitution in our Oath of Office; and

WHEREAS, Article V of the United States Constitution allows the People of the various states to amend the U.S. Constitution to correct those egregiously wrong decisions of the United States Supreme Court that challenge our democratic principles; and

WHEREAS, there is widespread opposition to the Citizens United ruling that money is speech and that independent corporate campaign spending cannot be limited; and

WHEREAS, the Ulster County Legislature believes corporations should not receive the same constitutional rights as natural persons and that because money is not speech, limits on political spending will promote the goals of the first amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

WHEREAS, rejecting the concept of corporate personhood will advance meaningful campaign finance reform; now, therefore be it

RESOLVED, the Ulster County Legislature hereby supports amending the United States Constitution to address campaign finance reform by abolishing corporate personhood, and clarifying that money is property, not speech; and, be it further

RESOLVED, the Ulster County Legislature hereby urges the New York congressional delegation to propose and pass a proposed amendment to the United States Constitution clarifying that corporations are not people with constitutional rights, and that unlimited campaign spending is not free speech; and, be it further

